THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.231 of 2006

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Dated:05.01.2006

Between:

Karingula Saraswathi W/o K. Anjaneyulu
R/o Oottapalli Village, Shamshabad mandal, Ranga Reddy District

..... PETITIONER

AND

The Collector, Ranga Reddy District at Khairatabad, Hyderabad, and

another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.231 of 2006

ORDER:

The petitioner is a resident of Ootpally Village, Shamshabad Mandal, Ranga Reddy District. She is the owner of property bearing No.3-74, admeasuring 800 square yards situated in the same Village. An extent of 400 square yards was allegedly acquired for road widening. The petitioner alleges that she was paid compensation of Rs.2,02,400/- for 253 square yards, and the respondents did not pay the compensation for 147 square yards in spite of the representations made to the respondents in February 2005 and October 2005. Hence the petitioner invokes the jurisdiction of this Court under Article 226 of the Constitution of India, *inter alia,* seeking a direction to the respondents to pay the compensation for 147 square yards.

This Court heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Land Acquisition), and perused the material placed before this Court. A copy of the award passed by the second respondent in reference No.I/2383/2003, dated 18.06.2004, is placed before this Court. The award

shows that as many as 19 items of property in various Survey numbers, presumably agricultural lands, were acquired, besides 15 items of residential properties were also acquired. Item 13 under the heading 'Village Site' deals with the property bearing No.3-74 belonging to the petitioner. The same reads as under.

> **13.K.SARASWATHI, W/O.ANJANEYULU (3-74)**
>
> The claimant has filed claim petition for an extent of 38 Sq.Yd of Structure and open 215 Sq.Yds. In support of her claim she has filed Gram Panchayat Permission and Court Decree in O.S.No.51 of 1984. Though she has claimed for Rs.2000/- per Sq.Yd., she has given consent for payment of compensation @ Rs.800/- per Sq.Yd. as was given in first phase of Tondpally. The land compensation determined is as follows.
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> 1.Land Value @ Rs.800/- per Sq.Yd. for 253 Sq.Yd. ..2, 02, 400/-
>
> 2.Structural valuation .. 24,073/-
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> _ _ _ _ _ _
>
> 2, 26, 473/-
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> _ _ _ _ _ _

A plain reading of the above would show that the petitioner herself claimed compensation for 253 square yards, which was acquired from out of her property. She did not claim compensation for 400 square yards as alleged. Therefore, this writ petition is misconceived.

In an unreported judgment in **Savitha Bai v. The Collector, R.R.District** (W.P.No.26863 of 2005, dated 20.12.2005), this Court dealt with similar matter. While dismissing the said writ petition this Court observed as under.

> The above award would show that though the extent of 2420 square yards was notified, an extent of 1544 square yards of petitioner's land was alone affected, for which, the compensation was paid at the rate of Rs.800/- per square yard, in a total sum of Rs.12,35,200-00. Be it also noted that the 2nd respondent passed the consent award after due negotiations with the land owners by the Joint Collector of Ranga Reddy district, in which, the parties agreed for the compensation at the rate of Rs.800-00 per square yard. In view of the same, this Court cannot adjudicate the question whether the petitioner's land of 2420 square yards was acquired or not. The award is a public document, which clearly shows that only an extent of 1544 square yards was acquired and compensation was paid. If the petitioner is aggrieved, she may approach the respondents for survey in this regard. In this writ petition, the petitioner is not entitled for any relief.

The observations made hereinabove are squarely applicable to this case also. If the petitioner is aggrieved by the award passed by the second respondent, she has remedies in law elsewhere. A writ petition is not a proper remedy.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

05.01.2006

vs